

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Military Coup in Sudan: Implications for Human Rights

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Chairman McGovern, Chairman Smith,

Good afternoon and thank you for the opportunity to address the Tom Lantos Human Rights Commission and to discuss the critical situation in Sudan. International Crisis Group is a global organization committed to the prevention, mitigation and resolution of deadly conflict. It is in the spirit of our conflict prevention mission that I hope to speak to you today. As the members of this Committee know, Sudan's 2019 popular uprising ousted Omar al-Bashir after 30 years of autocratic rule and set the stage for the country's transitional process. However, the October 25 military coup violently interrupted Sudan's halting progress towards constitutionally-mandated elections in 2024.

On November 21, the deposed Prime Minister of the civilian transitional government Abdallah Hamdok and General Abdel Fattah al-Burhan (Sudan's military chief, who heads the interim Sovereign Council and who led the military coup) signed an agreement reinstating Hamdok as Prime Minister. The agreement purports to take Sudan back to the constitutional arrangements agreed upon after the 2019 revolution, but appears to hand control previously given to a civilian cabinet to a Sovereign Council newly stocked with military and Islamist figures formerly close to Bashir. Negotiations to clarify implementation of the agreement under these dubious auspices are ongoing.

Even before the agreement was signed, the military had drastically altered in their favour the composition of the transitional government's executive body – the Sovereign Council – headed both before and after the coup by General Burhan. The political agreement codifies the coup in a range of ways, most egregiously by taking key constitutionally-endowed powers away from cabinet and handing those powers to a newly formed Sovereign Council now stocked with Bashir era loyalists and military figures. Those powers include holding members of the Bashir regime to account for past crimes, carrying out legal reforms, addressing the country's economic crisis, promoting women's rights, creating mechanisms to establish a permanent constitution and making foreign policy.

With the military's hold on power now reinforced, a combination of strong Sudanese and international pressure will be needed to get the transition back on track. This agreement, flawed as it is, does provide a starting point for international engagement. In particular, PM Hamdok, as the most senior civilian in the new government, will require backing from Sudanese and international quarters to lead efforts to secure readmission of the Forces for Freedom and Change (the FFC) into the government and to credibly represent the views of the Sudanese protest movement during the transition. To that end, the United States has an important role to play in leading the international community's response to the crisis and in trying to help ensure the success of the transition.

The U.S. should seek the military's fulfillment of verifiable actions demonstrating the security forces' willingness to adhere to commitments it made in the 2019 transitional constitution. These could include transfer of control of police and intelligence services to civilian oversight or auditing of key military owned enterprises. U.S. diplomatic efforts should also continue to focus on regional engagement with key neighbors and states with vested interests and longstanding ties to Sudan's leaders, both military and civilian; it should insist that its partners publicly and privately provide Hamdok and the civilian transition leaders with rhetorical and diplomatic support.

It is important to point out that external partners backing Sudan's transition (like the U.S.) retain some points of influence with the military. Key partners like the World Bank and the IMF, who have been engaged in Sudan's debt relief efforts, could (in coordination with a set of key bilateral donors and led by the United States) tie the renewal or resumption of assistance to a conditions-based assessment of the transition's progress. In particular, they should focus on independent and unobstructed civilian leadership and the reversal of unconstitutional steps taken during the military takeover.

There remains a very real risk that the military will revert to repressive measures to reinforce their grip on a dynamic and unpredictable situation. In anticipation of such a possibility, the United States should register the threat of sanctions programs targeting key figures in the military to incentivize a shift in behaviour and to indicate the seriousness of U.S. intent to return Sudan to a path towards democracy, as Sudan's street has clearly demanded. These sanctions could be triggered by the Sudanese military missing transitional milestones and could provide a framework for incremental escalation if circumstances warrant. The United States should also seek to coordinate such financial pressures on the military with the European Union and other like-minded governments.

International efforts to date aimed at shifting the thinking and decision making of Sudan's military leaders have so far produced meager results. The current context, with the security forces in the ascendancy yet finding strident opposition from a determined street suggests that some form of accommodation will be required, likely involving external guarantors. While far from assured of success, the United States remains uniquely positioned to marshal regional and international support for such diplomatic efforts and should now focus on bringing to bear real pressure on Sudan's coup leaders. Continuation down this undemocratic path of military dominance will only produce instability and violence.

Thank you again for the opportunity to appear before the Committee today. I look forward to your questions.